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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/976,820 11/25/97 LEIBER J BEIERSDORF-4

IM22/0815
SPRUNG KRAMER SCHAEFER AND BRISCOE
660 WHITE PLAINS ROAD
TARRYTOWN NY 10591-5144

EXAMINER

GUARRIELLO, J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED:

08/15/00

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/97820	Leiber et al.
Examiner John Guerrillo	Group Art Unit 171

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 5/30/2000.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 20 - 31 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 20 - 31 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

15. Examiner acknowledges papers # 11 and 12 of 5/30/2000 the extension of time and the amendment.
16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
17. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing. Page 4, lines 22-39 to page 5, lines 1-32 describe drawings which are not present.
18. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
19. Claims 26 and 30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such

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a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. “Imaginary center point” is not defined or explained in the specification as filed.

20. Claims 26 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 26 and 30 it is not clear what the phrase “imaginary center point” encompasses since the specification gives no guidance or direction, specify what is meant by the phrase.

21. Claims 20 and 27 are objected to because of the following informalities: “Releasable” should be releaseable. Appropriate correction is required.

22. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann et al. 5,725,923 in view of Cole 5,622,761.

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Luhmann teaches double sided adhesive film, (see abstract). Luhmann teaches that these films are removable adhesive films and tabs can be incorporated, as with grips to hold, on the films, (column 2, lines 6-67). Luhmann teaches that tabs can be designed so as to facilitate removal of the adhesive film, (column 2, lines 65-67). Luhmann differs from the claimed invention with regard to the shape of the regions of the adhesive tape and the placement of the tabs in the regions.

Cole teaches doublesided adhesive tape with releaseable adhesive, (see abstract). Cole teaches the adhesives can be single bodies or plural bodies and can be disposed in different geometrical shapes: circles, ovals, rectangles, polygons and other shapes, (see abstract, column 3, lines 1-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Cole regarding the shape of the regions of the adhesive tape to modify Luhmann regarding the shape of the regions and the placement of tabs in the regions with Cole motivated with the expectation that the rearranging the parts of the claimed invention involves

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only routine skill in the art which Cole exhibits and *In re Japikse*, 86 USPQ 70.

Applicant's arguments with regard to the shapes of the regions and the grip tabs in the regions have been considered and deemed not persuasive as evidenced by the new grounds of rejection.

23. Rejections not maintained are withdrawn.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

John J. Guarriello: gj

Patent Examiner

August 3, 2000

Elizabeth M. Cole
ELIZABETH M. COLE
PRIMARY EXAMINER